

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Himanshu BRAHMBHATT et al.
Title: **TARGETED GENE DELIVERY TO NON-PHAGOCYtic MAMMALIAN CELLS VIA BACTERIALLY DERIVED INTACT MINICELLS**
Appl. No.: 10/581,990
Examiner: Anoop Kumar Singh
Art Unit: 1632
Confirmation
Number: 1926

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This response follows a “Notice of Non-Compliant Amendment” mailed January 5, 2010, in connection with the above-referenced case. In the Notice the examiner objects to the amendment filed on September 17, 2009, for allegedly running afoul of 37 C.F.R. § 1.121. In particular, the examiner states that, “[i]n the instant case, claim 1 do[es] not show marking (underline or bracket) in the presentation of amended text.” Applicant respectfully disagrees.

In point of fact, amended claim 1 does present amended text in marked fashion. *See* Amendment, pg. 2. While the examiner did not identify what marks he believes are missing, applicant suspects that he may be looking for an indication of amendments entered during the international stage of the corresponding PCT application (*i.e.*, PCT/IB2004/004406). If that is the case, applicant notes that amendments made at the international stage are entered automatically into the U.S. national stage application, absent clear instructions to the contrary. *See, e.g.*, MPEP §§ 1893.01(a)(3) and 1893.01(e).

No such instructions were issued in this case. Thus, applicant submits that the amendments entered on September 17, 2009, are fully compliant with Rule 1.121. Accordingly, applicant requests withdrawal of the objection.

Respectfully submitted,

Date 11 January 2010

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